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BUILDING - PARKING - PLANNING - RECREATION

February 13, 2014

California Coastal Commission
c/o Sea-Level Rise Work Group
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Re: Comments to the Draft Sea-Level Rise Policy Guidance Document

Dear Sea Level Rise Working Group:

I am responding on behalf of the City of Pismo Beach to your request for input on the Draft Sea-Level Rise Policy Guidance document. We appreciate this opportunity to comment.

Let me start by stating we fully understand the need to address the consequences of climate change in a proactive manner, especially the impacts on coastal communities and their infrastructure from sea-level rise (SLR). We deal with coastal erosion on a daily basis and dedicate significant time and resources evaluating how best to protect structures, public access and recreational amenities, public safety features, and critical city infrastructure in compliance with our Local Coastal Program (LCP). Given our ongoing efforts and experience we feel elements of the Sea-Level Rise Guidance Policy require additional attention and it needs to take into consideration an approach that gives great weight to information and data that specifically addresses SLR at the local level. In addition, the document needs to do so in manner that acknowledges the limited resources of many small agencies like ours. We also trust that you will also take to heart our concern for establishing a process that could make updating or amending our local coastal program arduous and uncertain. Following is a listing of our concerns followed by comments regarding each:

- Sea Level Rise Projections;
- Analysis Required For Local Hazard Condition Analysis;
- Certification Process; and
- Fiscal Impacts.

Sea Level Rise Projections

Although the document provides projections on sea level rise, these are broad and do not take into consideration the various geological processes and sand sources for the specific area subject to our LCP. We know that the science of projecting or estimating sea level rise is complex and, as noted in the document; additional analysis is needed to address the conditions unique to specific areas of the coast.

Based on experience, we feel we need to be cautious about being overly conservative in projecting SLR that forces development and coastal infrastructure further from the our shoreline because it is largely developed and our citizens expect high quality City services. Some of the approaches for addressing sea level rise seem appropriate only in areas that have not been highly urbanized, such as adaptive planning and establishment of development credit transfer programs. These seem helpful in undeveloped areas; however, in an urbanized City like Pismo Beach, these may not be the most suitable approach. Obtaining community support for LCP amendments that do not take these factors into account will be difficult.

Studies that evaluate and develop local conditions are costly and time consuming, not to mention they are at times controversial because their results and conclusions affect private property and existing structures. We feel it would be important for the Commission to develop sea level rise at the Regional level, with input on the process from local agencies, rather than at the State level as this would account for local conditions and be a cost savings for communities with limited resources. It would also provide a level of certainty in the process because sea level rise estimates would be conducted in the same manner up and down the coast. If left wholly up to the individual agencies, there could be as many methods for developing these projections as there are agencies, which in turn will be costly for the Commission and lengthen the review process.

The Guidance document does not address how sea-level rise may involve private property rights and takings issues in specific cases. Mandatory requirements ranging from protection to retreat could result in the taking of private property. Addressing sea level rise through a managed retreat approach typically involves establishing thresholds that trigger demolition or relocation of structures threatened by erosion. Therefore, this approach would require instituting relocation assistance and/or buy-back programs to help with relocation costs or compensate property owners when their property becomes unusable. These are issues that need further attention and given greater weight in this document, so that Cities are better able to address them when developing amendments.

Although the Guidance Document states that it is not a regulatory document, it appears to be ready to be used as the standard of review for future LCP modification applications. If this is the case, then it needs to include a clear standard of review, so that agencies can appropriately develop amendments to their LCP.

Analysis Required For Local Hazard Condition Analysis

In addition to the complex analysis required to develop local sea level rise projections, analysis and development of a Local Hazard Condition program needs a highly technical and specialized skill set. Again, a costly venture for communities with limited resources and competing demands for services. At times, such analyses are scientifically subjective and disagreement among experts, among others, can occur. These disagreements, although good discourse, lead to uncertainty in the process and raise the potential for un-controlled costs and dedication of a significant amount of staff time. More data and information specific to this section of the California coast could address this.

Certification Process

In practice there is no limit in the number of corrections or additional information that can be requested of agencies in LCP amendment or update process. The result can be a costly process that many small agencies cannot afford. To help address this, we would encourage the Commission to give LCP amendments that address SLR priority review and encourage a comprehensive list of corrections or comments during the review process in order to minimize multiple submittals. We would also encourage early consultation be a component of this process so that corrective measures can be identified and addressed prior to submittal of the formal application. This has served us well with other LCP amendment applications and we believe it will be beneficial for this process as well.

Fiscal Impacts

As you can see, a common thread through this letter is references to resource constraints. Staff time and resources, especially those of small communities like ours, are limited and administering the Local Coastal Program requires a great deal of attention. The processes identified in this guidance document will require the dedication of additional resources and the fiscal impacts to the community are uncertain. We would encourage the Commission to be mindful of this and think of ways to minimize strains on local resources.

Conclusion

Coastal Communities play a very important role in the promotion and maintenance of access to the State's coastline and in implementing the Coastal Act. While we applaud the efforts to develop a Guidance Document that can be used as a resource to help coastal communities prepare for the challenges of sea-level rise, we hope that this does not become the basis for lengthened and costly LCP or project review process.

We thank you for the opportunity to comment and provide our input on the document and process. We look forward to working further with Coastal Commission staff in

addressing our concerns and developing reasonable, clear, and effective policies and programs that can be incorporated into the Guidance Document.

Sincerely,

A black rectangular redaction box covering the signature of Jon Biggs.

Jon Biggs, City of Pismo Beach
Community Development Director

C:

Honorable Mayor and Member of the City Council
City Manager
City Attorney